



## STATE OF NORTH CAROLINA DEPARTMENT OF TRANSPORTATION

JOSH STEIN  
GOVERNOR

DANIEL H. JOHNSON  
SECRETARY

February 4, 2026

PBC of Boswood Estates, LLC  
PO Box 85  
Moyock, NC 27958

-AND-

Currituck County  
153 Courthouse Rd, Suite 204  
Currituck, NC 27929

County: Currituck

Subject: Encroachment to allow you to install a connection to the existing waterline along NC 168

Dear Applicant,

Attached for your records is a copy of the approved encroachment package to allow you to install a connection to the existing waterline along NC 168 to service the Boswood Estates subdivision. **Any and all damages done to State Routes must be properly repaired.** This approval will expire on February 4, 2027, unless construction has started or been completed prior to that date.

Please feel free to contact the District Office at (252) 621-6400 if you have any questions.

Sincerely yours,

DocuSigned by:

  
Caitlin A. Spear

930880FAC40F45A...

Caitlin A. Spear, PE  
District Engineer

### Attachments

Cc: Division Engineer (W/Attachments)  
County Maintenance Engineer (W/Attachments)

Mailing Address:  
NC DEPARTMENT OF TRANSPORTATION  
DIVISION ONE – DISTRICT ONE  
1929 NORTH ROAD STREET  
ELIZABETH CITY, NC 27909

Telephone: (252) 621-6400  
Fax: (252) 621-6410  
Customer Service: 1-877-368-4968

Website: [www.ncdot.gov](http://www.ncdot.gov)

Location:  
1929 NORTH ROAD STREET  
ELIZABETH CITY, NC 27909

## Pre-Construction

### Contact Offices & Outside Agency issues / Contacts / Info.

1. Approval may be rescinded upon failure to follow any of the provisions in this permit and may be considered a violation of the encroachment agreement.
2. The Encroaching party or their contractor shall provide the following notices prior to construction activity within the NCDOT Right of Way:
  - a. Three (3) business days advance phone call at telephone (252) 621-6400 or email to [caspear@ncdot.gov](mailto:caspear@ncdot.gov) to the District Engineer's office
  - b. If the construction falls within the limits of an NCDOT managed construction project, five (5) business days advance phone call to the Resident Engineer, Mr. Brandon Tatum at (252) 621-6400 or email to [bjtatum@ncdot.gov](mailto:bjtatum@ncdot.gov).

Failure to provide these notifications prior to beginning construction is subject to the Division Engineer's discretion to cease construction activity for this encroachment. NCDOT reserves the right to cease any construction or maintenance work associated with this installation by the encroaching party until the construction or maintenance meets the satisfaction of the Division Engineer or their representative.

3. Prior to beginning work, it is the requirement of the Encroaching Party to contact the appropriate Utility Companies involved and make arrangements to adjust or relocate any utilities that conflict with the proposed work.
4. It shall be the responsibility of the encroaching party to determine the location of utilities within the encroachment area. NCGS § 87-115 through § 87-130 of the Underground Utility Safety and Damage Prevention Act requires underground utilities to be located by calling 811 prior to construction. The encroaching party shall be responsible for notifying other utility owners and providing protection and safeguards to prevent damage or interruption to existing facilities and maintain access to them.
5. The encroaching party shall notify the appropriate municipal office prior to beginning any work within the municipality's limits of jurisdiction.
6. Excavation within 1000 feet of a signalized intersection will require notification by the encroaching party to the Division Traffic Engineer at telephone number (252) 482-1857 no less than one week prior to beginning work. All traffic signal or detection cables must be located prior to excavation. Cost to replace or repair NCDOT signs, signals, pavement markings or associated equipment and facilities shall be the responsibility of the encroaching party.
7. At the option of the District Engineer, a preconstruction meeting including representatives of NCDOT, the encroaching party, contractors and municipality, if applicable, shall be required. A pre-construction conference held between a municipality (or other facility owner) and a contractor without the presence of NCDOT personnel with subsequent construction commencing may be subject to NCDOT personnel ceasing any work on NCDOT right-of-way related to this encroachment until such meeting is held. Contact the District office to schedule.
8. At the discretion of the District Engineer, a NOTIFICATION FOR UTILITY / NON-UTILITY ENCROACHMENT WITHIN NCDOT R/W form (See corresponding attachment) with the scheduled pre-construction meeting and associated construction schedule details must be completed and submitted to the District Engineer's office a minimum of one week prior to construction.

9. At the discretion of the District Engineer, the encroaching party (not the utility contractor) shall make arrangements to have a qualified inspector, under the supervision of a Professional Engineer registered in North Carolina, on site at all times during construction. The registered Professional Engineer shall be required to submit a signed and PE sealed certification that the utility was installed in accordance with the encroachment agreement.

## Legal & Right-of-Way Issues

10. This approval and associated plans and supporting documents shall not be interpreted to allow any design change or change in the intent of the design by the Owner, Design Engineer, or any of their representatives. Any revisions or changes to these approved plans or intent for construction must be obtained in writing from the Division Engineer's office or their representative prior to construction or during construction if an issue arises during construction to warrant changes.
11. NCDOT does not guarantee the right of way on this road, nor will it be responsible for any claim for damages brought about by any property owner by reason of this installation. It is the responsibility of the encroaching party to verify the right of way.
12. Encroaching party shall be responsible for obtaining all necessary permanent and/or temporary construction, drainage, utility and/or sight distance easements.
13. All Right of Way and easements necessary for construction and maintenance shall be dedicated to NCDOT with proof of dedication furnished to the District Engineer prior to beginning work.
14. No commercial advertising shall be allowed within NCDOT Right of Way.
15. The encroaching party shall obtain proper approval from all affected pole owners prior to attachment to any pole.
16. This agreement does not authorize installations within nor encroachment onto railroad rights of way. Permits for installations within railroad right of way must be obtained from the railroad and are the responsibility of the encroaching party.

## Work Zone Traffic

17. Traffic control shall be coordinated with the District Engineer and the Division Traffic Engineer at telephone (252) 621-6400, prior to construction.
18. WORK ZONE TRAFFIC CONTROL QUALIFICATIONS AND TRAINING PROGRAM

All personnel performing any activity inside the highway right of way are required to be familiar with the NCDOT Maintenance / Utility Traffic Control Guidelines (MUTCG). No specific training course or test is required for qualification in the Maintenance /Utility Traffic Control Guidelines (MUTCG).

All flagging, spotting, or operating Automated Flagger Assist Devices (AFAD) inside the highway right of way requires qualified and trained Work Zone Flaggers. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

All personnel involved with the installation of Work Zone Traffic Control devices inside the highway right of way are required to be qualified and trained Work Zone Installers. Training for this

certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

All personnel in charge of overseeing work zone Temporary Traffic Control operations and installations inside the highway right of way are required to be qualified and trained Work Zone Supervisors. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

For questions and/or additional information regarding this training program please refer to <https://connect.ncdot.gov/projects/WZTC/Pages/Training.aspx> or call the NCDOT Work Zone Traffic Control Section (919) 814-5000.

19. The party of the second part shall employ traffic control measures that are in accordance with the prevailing federal, state, local, and NCDOT policies, standards, and procedures. These policies, standards, and procedures include, but are not limited to the following:
  - a. Manual on Uniform Traffic Control Devices (MUTCD) – North Carolina has adopted the MUTCD to provide basic principles and guidelines for traffic control device design, application, installation, and maintenance. North Carolina uses the MUTCD as a minimum requirement where higher supplemental standards specific to North Carolina are not established. Use fundamental principles and best practices of MUTCD (Part 6, Temporary Traffic Control).
  - b. NCDOT Maintenance / Utility Traffic Control Guidelines – This document enhances the fundamental principles and best practices established in MUTCD Part 6, Temporary Traffic Control, incorporating NCDOT-specific standards and details. It also covers important safety knowledge for a wide range of work zone job responsibilities.
20. If the Traffic Control Supervisor determines that portable concrete barrier (PCB) is required to shield a hazard within the clear zone, then PCB shall be designed and sealed by a licensed North Carolina Professional Engineer. PCB plans and design calculations shall be submitted to the District Engineer for review and approval prior to installation.
21. Ingress and egress shall be maintained to all businesses and dwellings affected by the project. Special attention shall be paid to police, EMS and fire stations, fire hydrants, secondary schools, and hospitals.
22. Traffic shall be maintained at all times. All lanes of traffic are to be open during the hours of 7:00 A.M. to 9:00 A.M. and from 4:00 P.M. to 6:00 P.M. Monday through Friday, during any time of inclement weather, **or as directed by the District Engineer**. If the location of work calls for a rolling roadblock on a divided highway for US routes, the restriction is to work only on Sunday from 1:00 A.M. to 10:00 A.M, **or as Directed by the District Engineer**. Any violation of these hours will result in ceasing any further construction by the Encroaching Party or their contractor.
23. Nighttime and weekend operations will NOT be allowed unless written approval is received from the District Engineer. If nighttime or weekend work is allowed or required, all signs must be retro-reflective, and a work zone lighting plan must be submitted for approval prior to construction.
24. Two-way traffic shall be maintained at all times unless designated by the District Engineer. Traffic shall not be rerouted or detoured without the prior written approval from the District Engineer. No utility work will be allowed on state holidays from 7:00 PM the night before through 9:00 AM the day prior to, following or during local events without prior approval from the District Engineer. If the construction is within 1000 feet of a school location or on a designated bus route, the construction shall be coordinated with the school start and end times to avoid traffic delays.

25. Work requiring lane or shoulder closures shall not be performed on both sides of the road simultaneously within the same area.
26. Any work requiring equipment or personnel within 5 feet of the edge of any travel lane of an undivided facility and within 10 feet of the edge of any travel lane of a divided facility shall require a lane closure with appropriate tapers per current *NCDOT Roadway Standard Drawings or MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES*.
27. At the discretion of the District Engineer, a traffic control plan shall be developed and submitted under the seal and signature of a Licensed North Carolina Professional Engineer prior to construction. The plan shall be specific to the site and adequately detailed. Issues such as the close proximity to intersections shall be addressed.
28. Temporary and final pavement markings are the responsibility of the encroaching party. Final pavement markings and sign plans shall be submitted with the encroachment request to the Division Traffic Engineer prior to construction. Final pavement markings shall be thermoplastic unless otherwise directed by the Division Traffic Engineer or District Engineer.
29. Any pavement markings that are damaged or obliterated shall be restored by the encroaching party at no expense to NCDOT.
30. Sidewalk closures shall be installed as necessary. Pedestrian traffic shall be detoured around these closures and shall be signed appropriately and in accordance with The American with Disabilities Act Accessibility Guidelines. The encroaching party must adhere to the guidelines for accommodating pedestrians in encroachment work zones as described in the NCDOT Pedestrian Work Zone Accommodations Training found at  
<https://www.youtube.com/watch?v=AOuYa5IW3dg&feature=youtu.be>

## Roadside Environmental

31. The encroaching party shall comply with all applicable Federal, State and local environmental regulations and shall obtain all necessary Federal, State and local environmental permits, including but not limited to, those related to sediment control, stormwater, wetland, streams, endangered species and historical sites. Additional information can be obtained by contacting the NCDOT Roadside Environmental Engineer regarding the North Carolina Natural Heritage Program or the United States Fish and Wildlife Services. Contact the Division Roadside Environmental Engineer's Office at (252) 621-6310.
32. When surface area in excess of one acre will be disturbed, the Encroacher shall submit a Sediment and Erosion Control Plan which has been approved by the appropriate regulatory agency or authority prior to beginning any work on the Right of Way. Failure to provide this information shall be grounds for suspension of operations. Proper temporary and permanent measures shall be used to control erosion and sedimentation in accordance with the approved sediment and erosion control plan.
33. The Verification of Compliance with Environmental Regulations (VCER-1) form is required for all non-utility encroachment agreements or any utility encroachments when land disturbance within NCDOT right of way exceeds 1 acre. When required, the VCER-1 form must be PE sealed by a NC registered professional engineer who has verified that all appropriate environmental permits (if applicable) have been obtained and all applicable environmental regulations have been followed.

34. All erosion control devices and measures shall be constructed, installed, maintained, and removed by the Encroacher in accordance with all applicable Federal, State, and Local laws, regulations, ordinances, and policies. Permanent vegetation shall be established on all disturbed areas in accordance with the recommendations of the Division Roadside Environmental Engineer. All areas disturbed (shoulders, ditches, removed accesses, etc.) shall be graded and seeded in accordance with the latest *NCDOT Standards Specifications for Roads and Structures* and within 15 calendar days with an approved NCDOT seed mixture (all lawn type areas shall be maintained and reseeded as such). Seeding rates per acre shall be applied according to the Division Roadside Environmental Engineer. Any plant or vegetation in the NCDOT planted sites that is destroyed or damaged as a result of this encroachment shall be replaced with plants of like kind or similar shape.
35. No trees within NCDOT right of way shall be cut without authorization from the Division Roadside Environmental Engineer. An inventory of trees measuring greater than 4 caliper inches (measured 6" above the ground) is required when trees within C/A right of way will be impacted by the encroachment installation. Mitigation is required and will be determined by the Division Roadside Environmental Engineer's Office.
36. Prior to installation, the Encroaching Party shall contact the District Engineer to discuss any environmental issues associated with the installation to address concerns related to the root system of trees impacted by boring or non-utility construction of sidewalk, roadway widening, etc.
37. The applicant is responsible for identifying project impacts to waters of the United States (wetlands, intermittent streams, perennial streams and ponds) located within the NCDOT right-of-way. The discharge of dredged or fill material into waters of the United States requires authorization from the United States Army Corps of Engineers (USACE) and certification from the North Carolina Division of Water Quality (NCDWQ). The applicant is required to obtain pertinent permits or certification from these regulatory agencies if construction of the project impacts waters of the United States within the NCDOT right-of-way. The applicant is responsible for complying with any river or stream Riparian Buffer Rule as regulated by the NCDWQ. The Rule regulates activity within a 50-foot buffer along perennial streams, intermittent streams and ponds. Additional information can be obtained by contacting the NCDWQ or the USACE.
38. The contractor shall not begin the construction until after the traffic control and erosion control devices have been installed to the satisfaction of the Division Engineer or their agent.
39. The contractor shall perform all monitoring and record keeping and any required maintenance of erosion and sediment control measures to maintain compliance with stormwater regulations.

## Bonds

40. A Performance and Indemnity Bond in the amount of \$0 shall be posted with the District Engineer's Office by the Party of the Second Part prior to beginning any work within the NCDOT Right of Way. The bond shall be held for a minimum of one year after a satisfactory final inspection of the installation by NCDOT. The bond may be held for a period longer than one year after completion if, in the opinion of NCDOT, the size or complexity of the installation warrants a longer period.
41. The release of the bond is subject to a final inspection by NCDOT. Contact the District office to schedule a Final Inspection and to request release of the bond.
42. When a Continuing Indemnity bond is on file with the central Raleigh office, the cashing of that bond may be used to fund any necessary repairs by NCDOT forces for unaddressed defects in workmanship by the encroaching party and/or by their contractor.

## Control of Access

43. No access to the job site, parking or material storage shall be allowed along or from the **Control of Access Roadway**.
44. The installation within the Control of Access fence shall not adversely affect the design, construction, maintenance, stability, traffic safety or operation of the controlled access highway, and the utility must be serviced without access from the through-traffic roadways or ramps.
45. The resetting of the Control of Access fence shall be in accordance with the applicable NCDOT standard and as directed by the Division Engineer or their representative.

## STIP (or Division Managed) Projects

46. State Transportation Improvement Project (STIP) X-XXXX is scheduled for future construction. Any encroachment determined to be in conflict with the construction of this NCDOT project shall be removed and/or relocated at the encroaching party's expense.

## Construction

### General

47. An executed copy of the encroachment agreement, provisions and approved plans shall be present at the construction site at all times. If safety or traffic conditions warrant such an action, NCDOT reserves the right to further limit, restrict or suspend operations within the right of way.
48. If the approved method of construction is unsuccessful and other means are required, prior approval must be obtained through the District Engineer before construction may continue.
49. Any REVISIONS marked in RED on the attached non-PE sealed plans shall be incorporated into and made part of the approved encroachment agreement.
50. All disturbed areas are to be fully restored to current NCDOT minimum roadway standards or as directed by the Division Engineer or their representative. Disturbed areas within NCDOT Right-of-Way include, but not limited to, any excavation areas, pavement removal, drainage or other features.
51. The encroaching party shall notify the Division Engineer or their representative immediately in the event any drainage structure is blocked, disturbed or damaged. All drainage structures disturbed, damaged or blocked shall be restored to its original condition as directed by the Division Engineer or their representative.
52. A minimum of five-foot clearance is required for utility installations beneath or near drainage pipes, headwalls, and a minimum of two-foot clearance below the flowline of streams. If directional drilling, a minimum of ten-foot clearance distance is required from drainage structures and a minimum of five feet below flowline of streams.
53. At points where the utility is placed under existing storm drainage, the trench will be backfilled with excavatable flowable fill up to the outside diameter of the existing pipe.

54. Unless specified otherwise, during non-working hours, equipment shall be located away from the job site or parked as close to the right of way line as possible and be properly barricaded in order not to have any equipment obstruction within the Clear Zone. Also, during non-working hours, no parking or material storage shall be allowed along the shoulders of any state-maintained roadway.
55. The Encroaching Party and/or their Contractor shall comply with all OSHA requirements. If OSHA visits the work area associated with this encroachment, the District Office shall be notified by the encroaching party immediately if any violations are cited.
56. Any guardrail removed or damaged during construction shall be replaced or repaired to its original condition, meeting current NCDOT standards or as directed by the Division Engineer or their representative.
57. Right of Way monuments disturbed during construction shall be referenced by a registered Land Surveyor and reset after construction.
58. All Traffic signs moved during construction shall be reinstalled as soon as possible to the satisfaction of the Division Engineer or their representative.
59. Detection tape, where required by NCGS § 87-115 through § 87-130 of the Underground Utility Safety and Damage Prevention Act, shall be buried in the trench approximately 1 foot above the installed facility. Where conduit is installed in the right of way and is not of ferrous material, locating tape or detection wire shall be installed with the conduit.
60. All driveways disturbed during construction shall be returned to a state comparable with the condition of the driveways prior to construction.
61. Conformance with driveway permit review should be required in conjunction with this encroachment agreement. In the event there is a conflict between the driveway permit and the encroachment agreement, the District Engineer should resolve the conflict and notify the parties involved.

## Engineering

62. All traffic control, asphalt mixes, structures, construction, workmanship and construction methods, and materials shall be in compliance with the most-recent versions of the following resources: *ASTM Standards*, *Manual on Uniform Traffic Control Devices*, *NCDOT Utilities Accommodations Manual*, *NCDOT Standard Specifications for Roads and Structures*, *NCDOT Roadway Standard Drawings*, *NCDOT Asphalt Quality Management System* manual, and the approved plans.
63. Regulator stations, metering stations, cathodic test stations, and anode beds are not permitted within NCDOT right of way. Header wires are permitted.
64. Non-Utility Communication and Data Transmission installations (ground mounted type or Small Cell pole-mounted type) must adhere to guidelines in the Utilities Accommodations Manual and, when located within municipal jurisdictions, are subject to review and approval by municipal ordinances and any additional municipal approval for proximity to historic districts and landmarks. All wiring and related telecommunications work shall conform to the latest regulations by the Federal Communications Commission.
65. All wiring and related electrical work shall conform to the latest edition of the National Electrical Safety Code.

66. Prior approval for any blasting must be obtained from the Division Engineer or their representative.

### Location within R/W

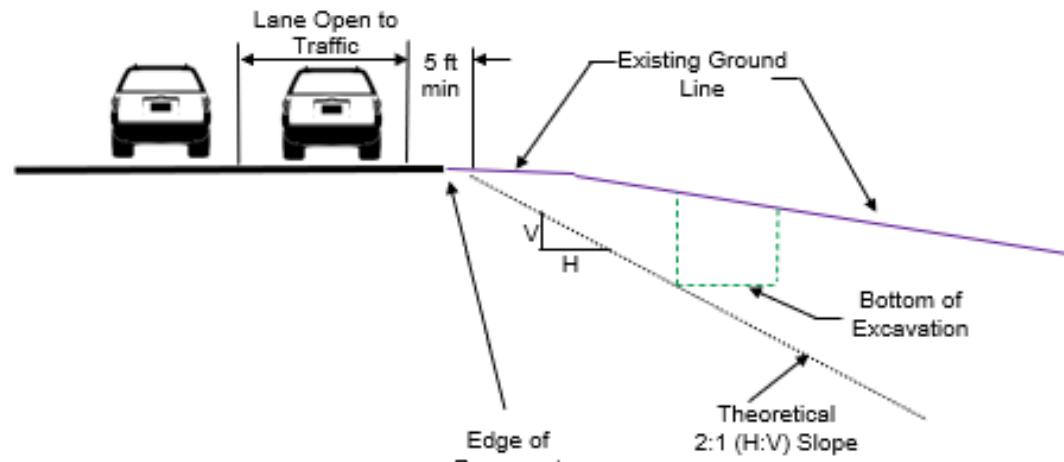
67. All utility access points, such as manholes, vaults, handholes, splice boxes and junction boxes shall be located as close to the right of way line as possible and shall not be placed in the ditch line, side slopes of the ditches or in the pavement. All manholes, handholes, splice boxes, junction boxes and vaults and covers shall be flush with the ground when located within the vehicle clear zone. Slack loops for telecommunications in industry standard housing units shall be buried a minimum of 18 inches when buried or meet minimum NCDOT vertical and horizontal clearances when installed aerially.
68. Any utility markers, cabinets, pedestals, meter bases and services for meter reading required shall be as close to the Right of Way line as possible. If it is not feasible to install at or near Right of Way line, then written approval shall be obtained from NCDOT prior to installation.
69. Fire Hydrants shall be of the breakaway type. Hydrants shall be placed near the right of way line. In curb and gutter sections with written approval from the District, the hydrants may be placed at 6' behind the back of the curb or minimum 2' back of sidewalk.
70. Hot box (aka ASSE 1060) or Safe-T-Cover type enclosures covering utility main pipe joints, backflow preventers, valves, vent pipes, cross connections, pumps, grinders, irrigation assemblies, transformers, generators, and other similar large appurtenances shall be located outside sight distance triangles and off of the NCDOT Right-of-Way.
71. Sprinkler heads shall be located a minimum of 10 feet from the edge of pavement, edge of shoulder, or back of curb whichever is greater and shall be directed so that water does not spray or drain on the roadway surface, sidewalk, or passing vehicles at any time. Upon completion of the installation and prior to activation of the system, the Encroacher shall contact the District Engineer to schedule a test of the system to verify the spray pattern. Sprinkler systems shall not be operated during periods of high wind or freezing weather, or to the extent that the subgrade adjacent to the pavement structure becomes saturated. NCDOT reserves the right to require immediate termination and removal of any sprinkler system which in its judgement and opinion adversely affects safety, maintenance, or operation of the roadway.
72. Luminaire and/or utility poles and guy wires shall be set as close to the Right of Way line as practical and outside the Clear Zone in accordance with the latest version of the AASHTO Roadside Design Guide (See corresponding attachment) or made breakaway in accordance with the requirements of NCHRP Report 350. Any relocation of the utility poles from the original design due to Clear Zone requirements shall require a re-submittal for the utility design.
73. Luminaire and/or utility poles shall be set a minimum of 5'-6" behind face of any guardrail or otherwise sufficiently protected. However, standard placement may be reduced to 3'-6" behind face of guardrail when posts are spaced 3'-1 1/2", or where speed limit is less than 55 MPH.

### Excavation

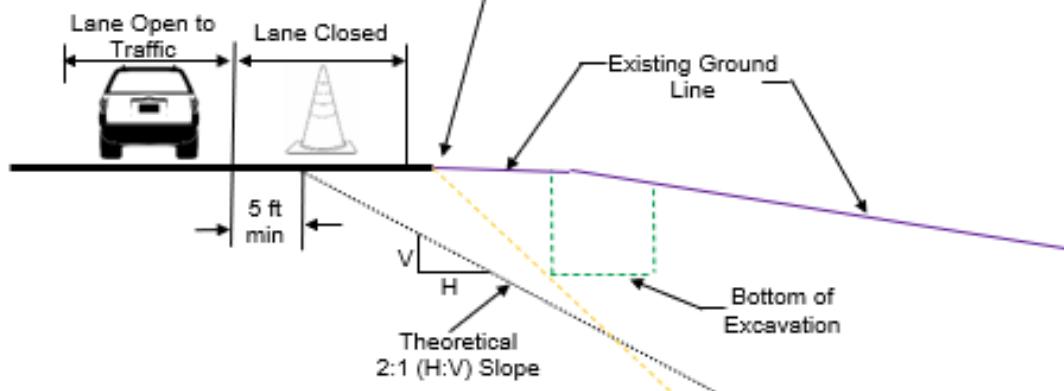
74. Excavation material shall not be placed on pavement.
75. It is the responsibility of the encroaching party or their contractor to prevent any mud/dirt from tracking onto the roadway. Any dirt which may collect on the roadway pavement from equipment and/or truck traffic on site shall be immediately removed to avoid any unsafe traffic conditions.

76. The utility shall be installed within 5 feet of the right of way line and outside the 5-foot minimum from travel lane plus theoretical 2:1 slope from the edge of pavement to the bottom of the nearest excavation wall for temporary shoring. Temporary shoring is required when a theoretical 2:1 slope from the bottom of excavation will intersect the existing ground line less than 5 feet from the outside edge of an open travel lane as shown in the figure below or when a theoretical 2:1 slope from the bottom of excavation will intersect any existing structure, support, utility, property, etc. to be protected.

Traffic in Outside Lane



Traffic Shifted (Outside Lane Closure)



**\*If the 2:1 slope plus 5 feet requirement above is met for traffic, then temporary shoring is typically only necessary to protect roadways from damage when a theoretical 1:1 slope from the edge of pavement intersects the nearest excavation wall. This rule of thumb should be used with caution and does not apply to all subsurface conditions, surcharge loadings and excavation geometries. Additional guidance provided below.**

**\*Theoretical 1:1 (H:V) Slope (from Edge of Pavement)**

If the 2:1 slope plus 5 feet requirement above is met for traffic, then temporary shoring is typically only necessary to protect roadways from damage when a theoretical 1:1 slope from the edge of pavement intersects the nearest excavation wall. This rule of thumb should be used with caution and does not apply to all subsurface conditions, surcharge loadings and excavation geometries.

Situations where this 1:1 slope is not recommended include groundwater depth is above bottom of excavation or excavation is deeper than 10 feet or in [Type B or C soils as defined by OSHA Technical Manual](#). Temporary shoring may be avoided by locating trenches, bore pits, and other excavations far enough away from the open travel lane, edge of pavement and any existing structure, support, utility, property, etc. to be protected.

Temporary shoring shall be designed and constructed in accordance with current NCDOT Standard Temporary Shoring provisions (refer to <https://connect.ncdot.gov/resources/Specifications/Pages/2018-Specifications-and-Special-Provisions.aspx> and see SP11 R002

- a. Temporary excavation shoring, such as sheet piling, shall be installed. The design of the shoring shall include the effects of traffic loads. The shoring system shall be designed and sealed by a licensed North Carolina Professional Engineer. Shoring plans and design calculations shall be submitted to the Division Engineer for review and approval prior to construction. (See NCDOT *Utilities Accommodations Manual* for more information on requirements for shoring plans, design calculations, and subsurface investigation report.) **Trench boxes shall not be accepted as temporary shoring and will not be approved for use in instances where shoring is required to protect the highway, drainage structure, and/or supporting pavement or structure foundation.**
  - b. All trench excavation inside the limits of the theoretical two-to-one slope plus 5 feet requirement, as defined by the policy, shall be completely backfilled and compacted at the end of each construction day. No portion of the trench shall be left open overnight. Any excavation that is not backfilled by the end of the workday must address any safety and traveling public concerns including accommodations for bicycles, pedestrians and persons with disabilities.
  - c. The trench backfill material shall meet the Statewide Borrow Criteria. The trench shall be backfilled in accordance with Section 300-7 of the latest *NCDOT Standard Specifications for Roads and Structures*, which basically requires the backfill material to be placed in layers not to exceed 6 inches loose and compacted to at least 95% of the density obtained by compacting a sample in accordance with AASHTO T99 as modified by DOT.
  - d. At the discretion of the Division Engineer, a qualified NCDOT inspector shall be on the site at all times during construction. The encroaching party shall reimburse NCDOT for the cost of providing the inspector. If NCDOT cannot supply an inspector, the encroaching party (not the utility contractor) should make arrangements to have a qualified inspector, under the supervision of a licensed North Carolina Professional Engineer, on the site at all times. The Professional Registered Engineer shall certify that the utility was installed in accordance with the encroachment agreement and that the backfill material meets the Statewide Borrow Criteria.
  - e. The length of parallel excavation shall be limited to the length necessary to install and backfill one joint of pipe at a time, not to exceed twenty-five (25) feet.
77. All material to a depth of 8 inches below the finished surface of the subgrade shall be compacted to a density equal to at least 100% of that obtained by compacting a sample of the material in accordance with AASHTO T99 as modified by the Department. The subgrade shall be compacted at a moisture content which is approximately that required to produce the maximum density indicated by the above test method. The contractor shall dry or add moisture to the subgrade when required to provide a uniformly compacted and acceptable subgrade. The option to backfill any trenches with dirt or either #57 stone or #78 stone with consolidation with a plate tamp and without a conventional density test may be pursued with the written consent of the District Engineer. If this option is exercised, then roadway ABC stone and asphalt repair as required will also be specified by the District Engineer.

## Boring

78. Boring equipment will be provided of a type and size to facilitate boring in the local geologic conditions and shall be able to facilitate the encroachment work.
79. When Horizontal Directional Drilling (HDD) is used, the following stipulations apply:
- Use drilling fluids as appropriate for the type soils but use of water alone is prohibited. Pump drilling fluids only while drilling or reaming. Directional boring using jetting with a Bentonite (or equivalent material) slurry is recommended. Monitor flow rates to match the amount leaving the bore hole and do not increase pressure or flow to free stuck drill heads, reamers or piping. Open cutting to retrieve stuck drill heads is not allowed without prior permission from the District Engineer.
  - The minimum depth shall adhere to the table below for transverse (under non-controlled access, partial controlled access, or limited controlled access roadway) installations and refers to maximum diameter of hole drilled and not the dimension of the carrier or encasement pipe.

<u>Diameter of Drilled Hole (Backream)</u>	<u>Minimum Depth of Cover</u>
2" to 6"	5 feet
>6" to 15"	12 times hole diameter (e.g. 6-inch hole means 6 feet minimum depth)
>15" to 36"	15 feet or greater

- Under fully controlled access roadway installations, the minimum depth for transverse crossings shall be 15 feet under any pavement (ramps or thru lanes)
- An overbore (backream diameter) shall not be more than 1.5 times the outside diameter of the pipe or encasement under any highway for pipes 12 inches in diameter or less. For pipes with outer diameter larger than 12 inches, the overbore may be no larger than outer diameter of pipe plus 6 inches. An overbore exceeding 1.5 times greater than the outside diameter of the pipe or encasement may be considered if the encroachment agreement includes a statement signed and sealed by a licensed North Carolina Professional Engineer indicating that an overbore in excess of 1.5 times the outside diameter of the pipe or encasement will appropriately arch and no damage will be done to the pavement or sub-grade.
- Directional boring is allowed beneath embankment material in naturally occurring soil.
- Any parallel installation utilizing the directional boring method shall be made at a minimum depth of three (3') feet (cover) below the ground surface and outside the theoretical 1:1 slope from the existing edge of pavement except where the parallel installation crosses a paved roadway.
- All directional bores shall maintain ten (10) feet minimum (clear) distance from the nearest part of any structure, including but not limited to bridges, footings, pipe culverts or box culverts. Directional bores are not allowed beneath bridge footings, culvert wingwall footings, slope protection or retaining walls.
- The tip of the drill string shall have a cutter head.
- Detection wire shall be installed with non-ferrous material.
- HDPE pipe installed by directional boring shall not be connected to existing pipe or fittings for one (1) week from the time of installation to allow tensional stresses to relax.

## Aerial clearances

80. Vertical clearance of overhead power and communication lines shall meet the National Electrical Safety Code requirements except the minimum vertical clearance shall be 18' for crossings over NCDOT roadways (24' over Fully Controlled Access roadways) and 16' for parallel installations.
81. When applicable for aerial installations, in relation to the bridge, the utility line shall be located with minimum clearances as indicated in Figure 3-3 in the Utilities Accommodations Manual for NCDOT **Required Clearances for Aerial Installations by Encroachment Near Bridge Structures.**

## Pavement Detail and Repair

82. The paving of this roadway shall be in accordance with the latest version of NCDOT Standard Specifications, Sections 610, 1012 and 1020. The Contractor shall follow all procedures of the latest Quality Management System (QMS) Asphalt Manual for asphalt pavement - Maintenance Version (see <https://connect.ncdot.gov/resources/Materials/MaterialsResources/Forms/Default.aspx>) to find the most recent version. The Contractor must adhere to all testing requirements and quality control requirements specified. The Contractor shall contact the NCDOT Division QA Supervisor prior to producing plant mix and make the Supervisor aware that the mix is being produced for a future NCDOT road. Contact the District Engineer to determine the NCDOT Division QA Supervisor. Only NCDOT approved mix designs will be acceptable. A Quality Control Plan shall be submitted (as Directed by the District Engineer) to the District Engineer's Office prior to asphalt production utilizing form QMS-MV1. Failing mixes and/or densities are subject to penalties including monetary payments or removal and replacement. To minimize traffic queuing in construction areas, the possibility of traffic detours may be considered when working on high traffic routes even if traffic control is used. The District Engineer may require traffic detours.
83. When paving beyond utility installation is involved, a Roadway certification report sealed by a Professional Engineer shall be submitted to the District Engineer's office indicating the following:
  - Pavement thickness by type
  - Pavement density, core and/or test locations
  - Base thickness
  - Base density
  - Subgrade density

Test frequency and method shall be in conformance with the NCDOT *Materials and Tests Manual*. Test must be performed by a Certified Technician including name and Certification number on report.

84. "Potholing" (or "daylighting") pavement cores to expose existing utilities shall be made with a circular minimum 6" to maximum 18" diameter "test" hole to a maximum depth of 12 inches. Pavement core locations shall not be placed in the wheel path whenever possible. Vacuum excavation shall be utilized to expose underground utilities below pavement subgrade. Displaced dirt and rock debris must be suctioned away from the excavation area through a large hose to a vacuum truck and disposed by the encroaching party. Avoid using mechanized equipment in the proximity of all exposed underground utility lines. Pavement cores shall be repaired within the same working day. The pavement core shall be retained and evaluated for reuse to fill the core hole.

The excavation shall be backfilled and compacted with select material to the bottom of the existing pavement structure or as indicated by the District Engineer. If in good condition, the retained core shall be placed in the hole and secured with a waterproof, mechanical joint. If the pavement core is damaged and cannot be re-used, the core may be replaced with the surface mix, S9.5B. The asphalt patch shall match the thickness of the existing asphalt or four inches, whichever is greater and the use

of NCDOT approved sealant applied to the cracks to fill the voids. All materials must be listed on the NCDOT Approved Products List (APL) found at: <https://apps.ncdot.gov/vendor/approvedproducts/>.

85. The minimum pavement design for pavement repair shall be according to the most recent version of NCDOT Standard Drawing 654.01 (<https://connect.ncdot.gov/resources/Specifications/Pages/default.aspx>). The version valid in 2024 through 2030 is located at <https://connect.ncdot.gov/resources/Specifications/2024StandardRdwyDrawings/Div%206%20Combined.pdf>. The pavement design shall include a mechanical overlay extent to be a minimum of 25 feet each side of the pavement repair area OR as directed by the District Engineer.
86. Pavement cuts shall be repaired the same day the cuts are made unless an asphalt patch cannot be accomplished the same day due to material availability or time restrictions. When the asphalt patch is not feasible, the following apply:
  - a. The pavement cut shall be filled to the surface with ABC stone or Flowable Fill per NCDOT's Standards and Specifications.
  - b. Once the cut is filled, a minimum  $\frac{3}{4}$ -inch steel plate shall be placed and pinned to prevent moving. Plates shall be designed large enough to span a minimum of 1-foot on all sides on the pavement cut.
  - c. When flowable fill is used, it shall cure for 24 hours prior to any asphalt material placement. Flowable fill bleed water shall not be present during paving operations. Paving shall not cause damage (shoving, distortion, pumping, etc.) to the flowable fill.
  - d. Install and leave "BUMP" signs according to MUTCD until the steel plate has been removed. Once the flowable fill has cured, remove the steel plate, and mill/fill according to the directions of the District Engineer.
  - e. All pavement cuts must be sealed with NCDOT approved sealant to prevent future pavement separation or cracking.
87. Any pavement damaged because of settlement of the pavement or damaged by equipment used to perform encroachment work, shall be re-surfaced to the satisfaction of the District Engineer. This may include the removal of pavement and a 50' mechanical overlay. All pavement work and pavement markings (temporary and final) are the responsibility of the Encroaching Party.

## Post Construction

### Close out/ Inspection

88. The Encroaching party shall notify the District Engineer's office within 2 business days after construction is complete. The District Engineer may perform a construction inspection. Any deficiencies may be noted and reported to the encroaching party to make immediate repairs or resolve any issues to restore the right-of-way to a similar condition prior to construction, including pavement, signage, traffic signals, pavement markings, drainage, structures/pipes, or other highway design features.
89. At the discretion of the District Engineer, a final inspection report may be provided to the encroaching party upon satisfactory completion of the work.
90. When a performance bond is required, a written acknowledgement of the completed work by the District Engineer's office begins the one-year warranty period associated with the performance bond.

91. If the actual construction differs from the approved plans associated with this encroachment, a copy of “as-built” plans shall be submitted to the District Engineer’s office in a PDF format and in a current ESRI GIS format within 4 weeks of construction.
92. The encroaching party shall provide the North Carolina Turnpike Authority (NCTA) with an electronic copy of coordinate correct as-built plans within two weeks of installation completion. Failure to provide the as-built plans may jeopardize future approvals within NCTA right of way.
93. A copy (in PDF format) of the completed ground water analysis shall be given to the District Engineer, including detailed drawings of the “as-built” wells showing location, depth and water level in well.

## ATTACHMENT FORM

### NOTIFICATION FOR UTILITY / NON-UTILITY ENCROACHMENT WITHIN NCDOT R/W

#### Instructions for use:

This form must be completed in its entirety and submitted directly to the designated personnel in the District Engineer's office via email, fax or hand delivery a minimum of one week prior to construction for the encroachment. If the designated NCDOT personnel names are unknown by the person completing this form, please contact the District Engineer's office to determine that contact info.

Date: \_\_\_\_\_ Submitted by Name: \_\_\_\_\_

To: District Personnel Name: Caitlin Spear  
District Personnel Email: caspear@ncdot.gov  
District Fax No.: (252) 621-6410

This notification is to inform you that we (encroaching party or their contractor) will begin construction work on the following project in a minimum of one week.

**Encroachment number**  
(assigned by NCDOT) for the project: \_\_\_\_\_

Construction start date: \_\_\_\_\_

Approximate ending date: \_\_\_\_\_

Contact NCDOT inspector a minimum of 72 hrs. in advance to set-up Preconstruction meeting in the District Engineer's office or other location as directed by the District Engineer

Preconstruction meeting date & time: \_\_\_\_\_

Preconstruction meeting address:  
\_\_\_\_\_

Type of project: \_\_\_\_\_  
[Examples: power, telecommunication, water, sewer, gas, petroleum, other (describe)]

#### Contact Info for this project:

Contractor Company Name: \_\_\_\_\_

NCDOT Utility Inspector Name: \_\_\_\_\_

Contractor Contact Name: \_\_\_\_\_

NCDOT Utility Inspector Phone: \_\_\_\_\_

Contractor Phone Number: \_\_\_\_\_

NCDOT Utility Inspector Email: \_\_\_\_\_

Contractor Email: \_\_\_\_\_

NCDOT Utility Project Manager Name: \_\_\_\_\_

NCDOT Utility Project Manager Phone: \_\_\_\_\_

NCDOT Utility Project Manager Email: \_\_\_\_\_

NCDOT Hold Harmless Declaration for Private Facility FORM

**Private Facility Encroachment  
Hold Harmless Declaration**

Encroachment Agreement Second Party:

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Encroachment Number:

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The party of the second part of the above-referenced encroachment agreement agrees to indemnify and save harmless the North Carolina Department of Transportation from all claims of liability for the overburdening of right of way easements caused by the installation of private facilities owned by the party of the second part and installed under the approval of the above-referenced encroachment agreement.

Second Party:

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Attest or Witness:

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Date: \_\_\_\_\_

Published by NCDOT Utilities Unit 7/17/2017

Separate Form to be signed by each property owner affected by the installation.

Clear - Zone Table

TABLE 3.1 (Cont'd)

[U.S. Customary Units]

DESIGN SPEED	DESIGN ADT	FORESLOPES			BACKSLOPES		
		1V:6H or flatter	1V:5H TO 1V:4H	1V:3H	1V:3H	1V:5H TO 1V:4H	1V:6H or flatter
40 mph or less	UNDER 750	7 - 10	7 - 10	**	7 - 10	7 - 10	7 - 10
	750 - 1500	10 - 12	12 - 14	**	10 - 12	10 - 12	10 - 12
	1500 - 6000	12 - 14	14 - 16	**	12 - 14	12 - 14	12 - 14
	OVER 6000	14 - 16	16 - 18	**	14 - 16	14 - 16	14 - 16
45-50 mph	UNDER 750	10 - 12	12 - 14	**	8 - 10	8 - 10	10 - 12
	750 - 1500	14 - 16	16 - 20	**	10 - 12	12 - 14	14 - 16
	1500 - 6000	16 - 18	20 - 26	**	12 - 14	14 - 16	16 - 18
	OVER 6000	20 - 22	24 - 28	**	14 - 16	18 - 20	20 - 22
55 mph	UNDER 750	12 - 14	14 - 18	**	8 - 10	10 - 12	10 - 12
	750 - 1500	16 - 18	20 - 24	**	10 - 12	14 - 16	16 - 18
	1500 - 6000	20 - 22	24 - 30	**	14 - 16	16 - 18	20 - 22
	OVER 6000	22 - 24	26 - 32 *	**	16 - 18	20 - 22	22 - 24
60 mph	UNDER 750	16 - 18	20 - 24	**	10 - 12	12 - 14	14 - 16
	750 - 1500	20 - 24	26 - 32 *	**	12 - 14	16 - 18	20 - 22
	1500 - 6000	26 - 30	32 - 40 *	**	14 - 18	18 - 22	24 - 26
	OVER 6000	30 - 32 *	36 - 44 *	**	20 - 22	24 - 26	26 - 28
65-70 mph	UNDER 750	18 - 20	20 - 26	**	10 - 12	14 - 16	14 - 16
	750 - 1500	24 - 26	28 - 36 *	**	12 - 16	18 - 20	20 - 22
	1500 - 6000	28 - 32 *	34 - 42 *	**	16 - 20	22 - 24	26 - 28
	OVER 6000	30 - 34 *	38 - 46 *	**	22 - 24	26 - 30	28 - 30

\* Where a site specific investigation indicates a high probability of continuing crashes, or such occurrences are indicated by crash history, the designer may provide clear-zone distances greater than the clear-zone shown in Table 3.1. Clear zones may be limited to 30 ft for practicality and to provide a consistent roadway template if previous experience with similar projects or designs indicates satisfactory performance.

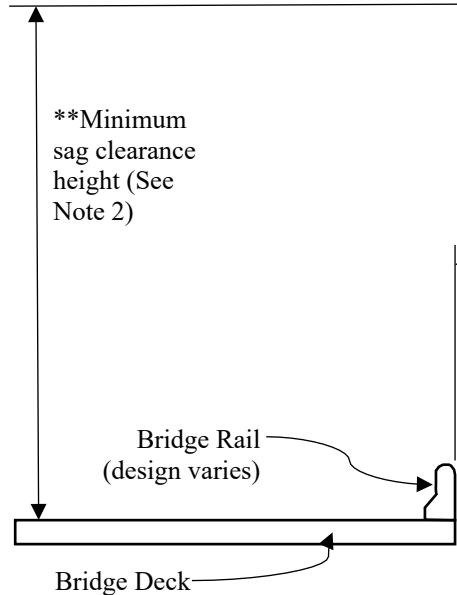
\*\* Since recovery is less likely on the unshielded, traversable 1V:3H slopes, fixed objects should not be present in the vicinity of the toe of these slopes. Recovery of high-speed vehicles that encroach beyond the edge of the shoulder may be expected to occur beyond the toe of slope. Determination of the width of the recovery area at the toe of slope should take into consideration right-of-way availability, environmental concerns, economic factors, safety needs, and crash histories. Also, the distance between the edge of the through traveled lane and the beginning of the 1V:3H slope should influence the recovery area provided at the toe of slope. While the application may be limited by several factors, the foreslope parameters which may enter into determining a maximum desirable recovery area are illustrated in Figure 3.2.

# NCDOT Required Clearances for Aerial Installations Near Bridge Structures

NOT  
TO  
SCALE

Any variation to this detail must be approved by the Division Engineer and/or State Utilities Manager.

Published by NCDOT Utilities Unit  
June 2020



## Horizontal Clearance to wire nearest bridge\*\*\*

Minimum =  
8 Feet + Table 'A'  
for power OR  
telecommunications.  
Any exception must  
be coordinated with  
Division Bridge  
personnel prior to  
construction.

## Utility Pole (Typical-Power and/or Telecommunications)

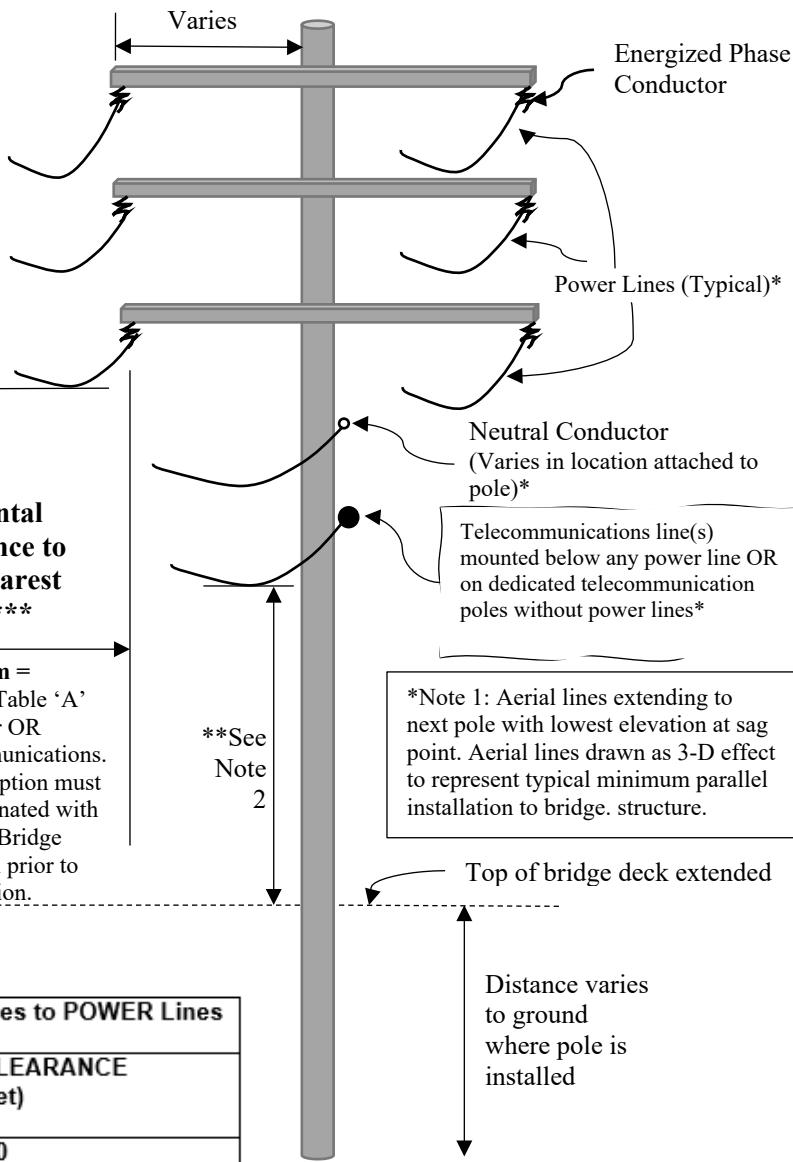


Table A – Minimum Horizontal Clearance Distances to POWER Lines (from OSHA)	
VOLTAGE (nominal, kV, alternating current)	MINIMUM CLEARANCE (feet)
Up to 50	10
Over 50 to 200	15
Over 200 to 350	20
Over 350 to 500	25
Over 500 to 750	35
Over 750 to 1000	45
Over 1000	As established by the utility owner/operator or registered professional engineer who is a qualified person with respect to electrical power transmission and distribution

\*\*Note 2- MINIMUM SAG CLEARANCE HEIGHT is 25 feet (applies to telecommunications AND power).

\*\*\*Note 3: HORIZONTAL CLEARANCE EXCEPTION. If vertical sag clearance height for power above bridge deck is  $\geq$  45 feet AND voltage is  $\leq$  350kV, then Minimum Horizontal Clearance may be reduced to 3 feet. Any telecommunications attachment to power pole allowed in this exception must have a minimum 25 feet sag clearance height above bridge deck.

DEPARTMENT OF TRANSPORTATION

-AND-  
PBC of Boswood Estates, LLC  
PO Box 85, Moyock, NC 27958

-AND-  
Currituck County

THREE PARTY RIGHT OF WAY

ENCROACHMENT AGREEMENT ON  
 PRIMARY AND SECONDARY SYSTEM

E011-027-25-00401

THIS AGREEMENT, made and entered into this the 4th day of February, 20 26, by and between the Department of Transportation, party of the first part; and PBC of Boswood Estates, LLC party of the second part; and Currituck County party of the third part,

WITNESSETH

THAT WHEREAS, the party of the second part desires to encroach on the right of way of the public road designated as Route(s) NC168, located Approximately 1/2-mile northwest of the Intersection of NC168 and US 158 in Barco, on the east side of the road

with the construction and/or erection of: Connection to existing watermain by means of wet tap to extend a new watermain  
To provide service to a new 14 lot subdivision

WHEREAS, it is to the material advantage of the party of the second part to effect this encroachment, and the party of the first part in the exercise of authority conferred upon it by statute, is willing to permit the encroachment within the limits of the right of way as indicated, subject to the conditions of this agreement;

NOW, THEREFORE, IT IS AGREED that the party of the first part hereby grants to the party of the second part the right and privilege to make this encroachment as shown on attached plan sheet(s), specifications and special provisions which are made a part hereof upon the following conditions, to wit:

That the installation, operation, and maintenance of the above described facility will be accomplished in accordance with the party of the first part's latest POLICIES AND PROCEDURES FOR ACCOMMODATING UTILITIES ON HIGHWAY RIGHTS-OF-WAY, and such revisions and amendments thereto as may be in effect at the date of this agreement. Information as to these policies and procedures may be obtained from the Division Engineer or State Utility Agent of the party of the first part.

That the said party of the second part binds and obligates himself to install and maintain the encroaching facility in such safe and proper condition that it will not interfere with or endanger travel upon said highway, nor obstruct nor interfere with the proper maintenance thereof, to reimburse the party of the first part for the cost incurred for any repairs or maintenance to its roadways and structures necessary due to installation and existence of the facilities of the party of the second part, and if at any time the party of the first part shall require the removal of or changes in the location of the said facilities, that the said party of the second part binds himself, his successors and assigns, to promptly remove or alter the said facilities, in order to conform to the said requirement, without any cost to the party of the first part.

That the party of the second part agrees to provide during construction and any subsequent maintenance proper signs, signal lights, flagmen and other warning devices for the protection of traffic in conformance with the latest Manual on Uniform Traffic Control Devices for Streets and Highways and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the Division Engineer of the party of the first.

That the party of the second part hereby agrees to indemnify and save harmless the party of the first part from all damages and claims for damage that may arise by reason of the installation and maintenance of this encroachment.

That the party of the second part agrees to restore all areas disturbed during installation and maintenance to the satisfaction of the Division Engineer of the party of the first part. The party of the second part agrees to exercise every reasonable precaution during construction and maintenance to prevent eroding of soil; silting or pollution of rivers, streams, lakes, reservoirs, other water impoundments, ground surfaces or other property; or pollution of the air. There shall be compliance with applicable rules and regulations of the North Carolina Division of Environmental Management, North Carolina Sedimentation Control Commission, and with ordinances and regulations of various counties, municipalities and other official agencies relating to pollution prevention and control. When any installation or maintenance operation disturbs the ground surface and existing ground cover, the party of the second part agrees to remove and replace the sod or otherwise reestablish the grass cover to meet the satisfaction of the Division Engineer of the party of the first part.

That the party of the second part agrees to assume the actual cost of any inspection of the work considered to be necessary by the Division Engineer of the party of the first part.

That the party of the second part agrees to have available at the construction site, at all times during construction, a copy of this agreement showing evidence of approval by the party of the first part. The party of the first part reserves the right to stop all work unless evidence of approval can be shown.

Provided the work contained in this agreement is being performed on a completed highway open to traffic; the party of the second part agrees to give written notice to the Division Engineer of the party of the first part when all work contained herein has been completed. Unless specifically requested by the party of the first part, written notice of completion of work on highway projects under construction will not be required.

That in the case of noncompliance with the terms of this agreement by the party of the second part, the party of the first part reserves the right to stop all work until the facility has been brought into compliance or removed from the right of way at no cost to the party of the first part.

That it is agreed by both parties that this agreement shall become void if actual construction of the work contemplated herein is not begun within one (1) year from the date of authorization by the party of the first part unless written waiver is secured by the party of the second part from the party of the first part.

During the performance of this contract, the second party, for itself, its assignees and successors in interest (hereinafter referred to as the "contractor"), agrees as follows:

- a. **Compliance with Regulations:** The contractor shall comply with the Regulations relative to nondiscrimination in Federally-assisted programs of the U. S. Department of Transportation, Title 49, Code of Federal Regulations, Part 21, as they may be amended from time to time, (hereinafter referred to as the Regulations), which are herein incorporated by reference and made a part of this contract.
- b. **Nondiscrimination:** The contractor, with regard to the work performed by it during the contract, shall not discriminate on the grounds of race, color, or national origin in the selection and retention of subcontractors, including procurements of materials and leases of equipment. The contractor shall not participate either directly or indirectly in the discrimination prohibited by Section 21.5 of the Regulations, including employment practices when the contract covers a program set forth in Appendix B of the Regulations.
- c. **Solicitations for Subcontracts, Including Procurements of Materials and Equipment:** In all solicitations either by competitive bidding or negotiation made by the contractor for work to be performed under a subcontract, including procurements of materials or leases of equipment, each potential subcontractor or supplier shall be notified by the contractor of the contractor's obligations under this contract and the Regulations relative to nondiscrimination on the grounds of race, color, or national origin.
- d. **Information and Reports:** The contractor shall provide all information and reports required by the Regulations, or directives issued pursuant thereto, and shall permit access to its books, records, accounts, other sources of information, and its facilities as may be determined by the Department of Transportation or the Federal Highway Administration to be pertinent to ascertain compliance with such Regulations or directives. Where any information required of a contractor is in the exclusive possession of another who fails or refuses to furnish this information, the contractor shall so certify to the Department of Transportation, or the Federal Highway Administration as appropriate, and shall set forth what efforts it has made to obtain the information.
- e. **Sanctions for Noncompliance:** In the event of the contractor's noncompliance with the nondiscrimination provisions of this contract, the Department of Transportation shall impose such contract sanctions as it or the Federal Highway Administration may determine to be appropriate, including, but not limited to,
  - (1) withholding of payments to the contractor under the contract until the contractor complies, and/or
  - (2) cancellation, termination or suspension of the contract, in whole or in part.
- f. **Incorporation of Provisions:** The contractor shall include the provisions of paragraphs "a" through "f" in every subcontract, including procurements of materials and leases of equipment, unless exempt by the Regulations, or directives issued pursuant thereto. The contractor shall take such action with respect to any subcontract or procurement as the Department of Transportation or the Federal Highway Administration may direct as a means of enforcing such provisions including sanctions for noncompliance: Provided, however, that, in the event a contractor becomes involved in, or is threatened with, litigation with a subcontractor or supplier as a result of such direction, the contractor may request the Department of Transportation to enter into such litigation to protect the interests of the State, and, in addition, the contractor may request the United States to enter into such litigation to protect the interests of the United States.

That when title to the subject that constitutes the aforesaid encroachment passes from the party of the second part and vests in the party of the third part, the party of the third part agrees to assume all responsibilities and rights and to perform all obligations as agreed to herein by the party of the second part.

R/W (166) : Party of the Second Part certifies that this agreement is true and accurate copy of the form R/W (166) incorporating all revisions to date.

IN WITNESS WHEREOF, each of the parties to this agreement has caused the same to be executed the day and year first above written.

DEPARTMENT OF TRANSPORTATION

BY: \_\_\_\_\_

*Caitlin A. Spear*

DISTRICT ENGINEER

WITNESS:

*Megan E. Morningstar*

*Megan C. Morningstar*

PBC of Boswood Estates, LLC

*Stuart Innes*

Stuart Innes - Manager

Second Party

WITNESS:

Currituck County

*J. Timmons*

Jessica Timmons, Clerk to the Board

Currituck County

*R. Gay*

Rebecca Gay, County Manager

Third Party





1805 West City Drive  
Unit E  
Elizabeth City, NC 27909

P 252.621.5030  
F 252.562.6974  
[www.timmons.com](http://www.timmons.com)

September 12, 2025

Ms. Caitlin Spear, Asst. District Engineer  
N. C. Department of Transportation  
1929 North Road Street  
Elizabeth City, NC 27909

RE: Encroachment Agreement  
Boswood Estates  
Timmons Project No. 44845

Dear Ms. Spear:

Please accept this request for a Three-Party Right-of-Way Encroachment Agreement on behalf of PBC of Boswood Estates, LLC. We are requesting connection to an existing watermain by means of wet tap to extend a new watermain.

Submitted for your review and approval are the executed encroachment agreement form 16.6 and a complete set of plans.

Thank you for your attention to this project. If you have any questions concerning this submission, please do not hesitate to contact me at (252) 621-5029.

Sincerely,  
Timmons Group

*Kimberly D. Hamby*  
Kimberly D. Hamby, PE  
Sr. Project Manager

cc: file  
PBC of Boswood Estates



STATE OF NORTH CAROLINA  
DEPARTMENT OF TRANSPORTATION

JOSH STEIN  
GOVERNOR

DANIEL H. JOHNSON  
SECRETARY

December 8, 2025

**Driveway Permit ID:  
D011-027-25-00074**

Subject: Driveway Permit – Boswood Estates  
County: Currituck

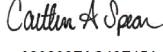
Pacific Beach Construction, LLC  
PO Box 85  
Moyock NC, 27958

Dear Applicant,

Attached for your files is a copy of a Residential Driveway Permit, which has been properly executed. Please note any comments, which may appear on the permit form.

Please feel free to contact the District Office at (252) 621-6400 if you have any questions.

Sincerely,

DocuSigned by:  
  
930880FAC40F45A...

Caitlin A. Spear, PE  
District Engineer

Attachments

Cc: Division Engineer  
County Maintenance Engineer



# Street and Driveway Access Permit

## General Provisions

**Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.**

### Pre-Construction Notices

- PCN 1** Approval may be rescinded upon failure to follow any of the provisions in this permit and may be considered a violation of the Street and Driveway Access Permit.
- PCN 2** Prior to beginning work, the Applicant shall contact the Road Maintenance Supervisor for the corresponding county, to provide or verify the proposed pipe diameter. Please see the last page of the General Provisions for Contact Information
- PCN 3** Prior to beginning work, it is the requirement of the Applicant to contact the appropriate Utility Companies involved and make arrangements to adjust or relocate any utilities that conflict with the proposed work.
- PCN 4** It shall be the responsibility of the Applicant to determine the location of utilities within the permitted area. NCGS § 87-115 through § 87-130 of the Underground Utility Safety and Damage Prevention Act requires underground utilities to be located by calling 811 prior to construction. The Applicant shall be responsible for notifying other utility owners and providing protection and safeguards to prevent damage or interruption to existing facilities and maintain access to them.
- PCN 7** Trenching, bore pits and/or other excavations shall not be left open or unsafe overnight.

### Legal & Right-of-Way

- RW 1** This approval and associated plans and supporting documents shall not be interpreted to allow any design change or change in the intent of the design by the Owner, Design Engineer, or any of their representatives. Any revisions or changes to these approved plans or intent for construction must be obtained in writing from the District Engineer's office or their representative prior to construction or during construction, if an issue arises during construction to warrant changes.
- RW 2** NCDOT does not guarantee the right of way on this road, nor will it be responsible for any claim for damages brought about by any property owner by reason of this installation. It is the responsibility of the Applicant to verify the right of way.
- RW 3** Prior to the approval of any privately maintained facility within NCDOT right of way which the State of North Carolina is not the fee simple owner, written permission that each and every property owner affected by the installation shall be provided to NCDOT by the Applicant. (See corresponding attachment.)
- RW 4** Applicant shall be responsible for obtaining all necessary permanent and/or temporary construction, drainage, utility and/or sight distance easements.
- RW 6** No commercial advertising shall be allowed within NCDOT Right of Way.



# Street and Driveway Access Permit General Provisions

**Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.**

## Work Zone Traffic Control

### TC 2 WORK ZONE TRAFFIC CONTROL QUALIFICATIONS AND TRAINING PROGRAM

All personnel performing any activity inside the highway right of way are required to be familiar with the NCDOT Maintenance / Utility Traffic Control Guidelines (MUTCG). No specific training course or test is required for qualification in the Maintenance /Utility Traffic Control Guidelines (MUTCG).

All flagging, spotting, or operating Automated Flagger Assist Devices (AFAD) inside the highway right of way requires qualified and trained Work Zone Flaggers. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

All personnel involved with the installation of Work Zone Traffic Control devices inside the highway right of way are required to be qualified and trained Work Zone Installers. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

All personnel in charge of overseeing work zone Temporary Traffic Control operations and installations inside the highway right of way are required to be qualified and trained Work Zone Supervisors. Training for this certification is provided by NCDOT approved training resources and by private entities that have been pre-approved to train themselves.

For questions and/or additional information regarding this training program please refer to <https://connect.ncdot.gov/projects/WZTC/Pages/Training.aspx> or call the NCDOT Work Zone Traffic Control Section (919) 814-5000.

### TC 3 The party of the second part shall employ traffic control measures that are in accordance with the prevailing federal, state, local, and NCDOT policies, standards, and procedures. These policies, standards, and procedures include, but are not limited to the following:

A) Manual on Uniform Traffic Control Devices (MUTCD) – North Carolina has adopted the MUTCD to provide basic principles and guidelines for traffic control device design, application, installation, and maintenance. North Carolina uses the MUTCD as a minimum requirement where higher supplemental standards specific to North Carolina are not established. Use fundamental principles and best practices of MUTCD (Part 6, Temporary Traffic Control).

B) NCDOT Maintenance / Utility Traffic Control Guidelines – This document enhances the fundamental principles and best practices established in MUTCD Part 6, Temporary Traffic Control, incorporating NCDOT-specific standards and details. It also covers important safety knowledge for a wide range of work zone job responsibilities.

### TC 4 If the Traffic Control Supervisor determines that portable concrete barrier (PCB) is required to shield a hazard within the clear zone, then PCB shall be designed and sealed by a licensed North Carolina Professional Engineer. PCB plans and design calculations shall be submitted to the District Engineer for review and approval prior to installation.

### TC 5 Ingress and egress shall be maintained to all businesses and dwellings affected by the project. Special attention shall be paid to police, EMS and fire stations, fire hydrants, secondary schools, and hospitals.

### TC 6 Traffic shall be maintained at all times. All lanes of traffic are to be open during the hours of 7:00 A.M. to 9:00 A.M. and from 4:00 P.M. to 6:00 P.M. Monday through Friday, during any time of inclement weather, or as directed by the District Engineer. Any violation of these hours will result in ceasing any further construction by the Encroaching Party or their contractor.

### TC A) The Contractor shall not perform any work on US158 and/or NC12 that would require a lane closure or alter the traffic flow during the following day and time restrictions: May 14th from thirty (30) minutes before sunset to thirty (30) minutes after sunrise October 4th or any other time when traffic is unusually heavy.



# Street and Driveway Access Permit

## General Provisions

**Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.**

- TC 9 Work requiring lane or shoulder closures shall not be performed on both sides of the road simultaneously within the same area.
- TC 10 Any work requiring equipment or personnel within 5 feet of the edge of any travel lane of an undivided facility and within 10 feet of the edge of any travel lane of a divided facility shall require a lane closure with appropriate tapers per current NCDOT Roadway Standard Drawings or MANUAL ON UNIFORM TRAFFIC CONTROL DEVICES.
- TC 13 Any pavement markings that are damaged or obliterated shall be restored by the Applicant at no expense to NCDOT.
- TC 14 Sidewalk closures shall be installed as necessary. Pedestrian traffic shall be detoured around these closures and shall be signed appropriately and in accordance with The American with Disabilities Act Accessibility Guidelines. The Applicant must adhere to the guidelines for accommodating pedestrians in encroachment work zones as described in the NCDOT Pedestrian Work Zone Accommodations Training found at <https://www.youtube.com/watch?v=AOuYa5IW3dg&feature=youtu.be>
- TC 15 Parking and material storage shall not be allowed along the shoulders of any NCDOT roadways, any NCDOT roadways along the route and adjacent to the route.
- TC 16 During periods of construction inactivity, place approved traffic control drums 3' minimum from the existing travel way.
- TC 17 Any violation of the Traffic Control provisions will result in the termination of the permit application and liquidated damages in the amount of \$2,000 per hour or any portion thereof and will be assessed by the District Engineer's office.

## Environmental Regulations

- EC 1 The Applicant shall comply with all applicable Federal, State and local environmental regulations and shall obtain all necessary Federal, State and local environmental permits, including but not limited to, those related to sediment control, stormwater, wetland, streams, endangered species and historical sites. Additional information can be obtained by contacting the NCDOT Roadside Environmental Engineer regarding the North Carolina Natural Heritage Program or the United States Fish and Wildlife Services. Contact the Division Roadside Environmental Engineer's Office at (252) 621-6310
- EC 2 When surface area in excess of one acre will be disturbed, the Applicant shall submit a Sediment and Erosion Control Plan which has been approved by the appropriate regulatory agency or authority prior to beginning any work on the Right of Way. Failure to provide this information shall be grounds for suspension of operations. Proper temporary and permanent measures shall be used to control erosion and sedimentation in accordance with the approved sediment and erosion control plan.
- EC 3 The Verification of Compliance with Environmental Regulations (VCER-1) form is required for all non-utility permits or any utility permits when land disturbance within NCDOT right of way exceeds 1 acre. The VCER-1 form must be PE sealed by a NC registered professional engineer who has verified that all appropriate environmental permits (if applicable) have been obtained and all applicable environmental regulations have been followed.
- EC 4 All erosion control devices and measures shall be constructed, installed, maintained, and removed by the Applicant in accordance with all applicable Federal, State, and Local laws, regulations, ordinances, and policies. Permanent vegetation shall be established on all disturbed areas in accordance with the recommendations of the Division Roadside Environmental Engineer. All areas disturbed (shoulders, ditches, removed accesses, etc.) shall be graded and seeded in accordance with the latest NCDOT Standards Specifications for Roads and Structures and within 15 calendar days with an approved NCDOT seed mixture (all lawn type areas shall be maintained and reseeded as such). Seeding rates per acre shall be applied according to the Division Roadside Environmental Engineer. Any plant or vegetation in the NCDOT planted sites that is destroyed or damaged as a result of this permit shall be replaced with plants of like kind or similar shape.
- EC 5 No trees within NCDOT shall be cut without authorization from the Division Roadside Environmental Engineer. An inventory of trees measuring greater than 4 caliper inches (measured 6" above the ground) is required when trees within C/A right of way will be impacted by the encroachment installation. Mitigation is required and will be determined by the Division Roadside Environmental Engineer's Office.



# Street and Driveway Access Permit

## General Provisions

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- EC 6** Prior to installation, the Applicant shall contact the District Engineer to discuss any environmental issues associated with the installation to address concerns related to the root system of trees impacted by boring or non-utility construction of sidewalk, roadway widening, etc.
- EC 7** The applicant is responsible for identifying project impacts to waters of the United States (wetlands, intermittent streams, perennial streams and ponds) located within the NCDOT right-of-way. The discharge of dredged or fill material into waters of the United States requires authorization from the United States Army Corps of Engineers (USACE) and certification from the North Carolina Division of Water Quality (NCDWQ). The applicant is required to obtain pertinent permits or certification from these regulatory agencies if construction of the project impacts waters of the United States within the NCDOT right-of-way. The applicant is responsible for complying with any river or stream Riparian Buffer Rule as regulated by the NCDWQ. The Rule regulates activity within a 50-foot buffer along perennial streams, intermittent streams and ponds. Additional information can be obtained by contacting the NCDWQ or the USACE.
- EC 8** The contractor shall not begin the construction until after the traffic control and erosion control devices have been installed to the satisfaction of the District Engineer or their agent.
- EC 9** The contractor shall perform all monitoring and record keeping and any required maintenance of erosion and sediment control measures to maintain compliance with stormwater regulations.
- EC 10** Vegetative cover shall be established on all disturbed areas in accordance with the recommendations of the Division Roadside Environmental Engineer.

## General

- G 1** An executed copy of the Street and Driveway Access Permit, provisions and approved plans shall be present at the construction site at all times. If safety or traffic conditions warrant such an action, NCDOT reserves the right to further limit, restrict or suspend operations within the right of way.
- G 2** The Applicant and/or their Contractor shall comply with all OSHA requirements. If OSHA visits the work area associated with this permit, the District Office shall be notified by the encroaching party immediately if any violations are cited.
- G 3** Any REVISIONS marked in RED on the attached non-PE sealed plans shall be incorporated into and made part of the approved permit.
- G 4** All disturbed areas are to be fully restored to current NCDOT minimum roadway standards or as directed by the District Engineer or their representative. Disturbed areas within NCDOT Right-of-Way include, but not limited to, any excavation areas, pavement removal, drainage or other features.
- G 5** The Applicant shall notify the District Engineer or their representative immediately in the event any drainage structure is blocked, disturbed or damaged. All drainage structures disturbed, damaged or blocked shall be restored to its original condition as directed by the District Engineer or their representative.
- G 8** Unless specified otherwise, during non-working hours, equipment shall be located away from the job site or parked as close to the right of way line as possible and be properly barricaded in order not to have any equipment obstruction within the Clear Recovery Area. Also, during non-working hours, no parking or material storage shall be allowed along the shoulders of any state-maintained roadway.
- G 9** No access to the job site, parking or material storage shall be allowed along or from the Control of Access Roadway.
- G 10** Guardrail removed or damaged during construction shall be replaced or repaired to its original condition, meeting current NCDOT standards or as directed by the District Engineer or their representative.
- G 12** Right of Way monuments disturbed during construction shall be referenced by a registered Land Surveyor and reset after construction.
- G 13** All Traffic signs moved during construction shall be reinstalled as soon as possible to the satisfaction of the District Engineer or their representative.



# Street and Driveway Access Permit General Provisions

**Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.**

- G 16** All driveways disturbed during construction shall be returned to a state comparable with the condition of the driveways prior to construction.
- G 17** Conformance with driveway permit review should be required in conjunction with this encroachment agreement. In the event there is a conflict between the driveway permit and the encroachment agreement, the District Engineer should resolve the conflict and notify the parties involved.
- G 18** If the approved method of construction is unsuccessful and other means are required, prior approval must be obtained through the District Engineer before construction may continue.
- G 22** Strict compliance with the Policy on Street and Driveway Access to North Carolina Highways manual shall be required.
- G 23** The Applicant may delegate the performance of certain provisions of this agreement to contractors or other parties. However, this shall not in any way release the Applicant from its obligations to the terms and provisions of the permit.

## Engineering

- E 1** All traffic control, asphalt mixes, structures, construction, workmanship and construction methods, and materials shall be in compliance with the most-recent versions of the following resources: ASTM Standards, Manual on Uniform Traffic Control Devices, NCDOT Utilities Accommodations Manual, NCDOT Standard Specifications for Roads and Structures, NCDOT Roadway Standard Drawings, NCDOT Asphalt Quality Management System manual, and the approved plans.

## Excavation

- EX 1** Excavation material shall not be placed on pavement.
- EX 2** It is the responsibility of the applicant and their contractor to prevent any mud/dirt from tracking onto the roadway. Any dirt which may collect on the roadway pavement from equipment and/or truck traffic on site shall be immediately removed to avoid any unsafe traffic conditions.
- EX 3** The utility shall be installed within 5 feet of the right of way line and outside the 5-foot minimum from travel lane plus theoretical 2:1 slope from the edge of pavement to the bottom of the nearest excavation wall for temporary shoring. If the 2:1 slope plus 5 feet requirement above is met for traffic, then temporary shoring is typically only necessary to protect roadways from damage when a theoretical 1:1 slope from the edge of pavement intersects the nearest excavation wall. This rule of thumb should be used with caution and does not apply to all subsurface conditions, surcharge loadings and excavation geometries. Situations where this 1:1 slope is not recommended include groundwater depth is above bottom of excavation or excavation is deeper than 10 feet or in Type B or C soils as defined by OSHA Technical Manual. Temporary shoring may be avoided by locating trenches, bore pits, and other excavations far enough away from the open travel lane, edge of pavement and any existing structure, support, utility, property, etc. to be protected. Temporary shoring is required when a theoretical 2:1 slope from the bottom of excavation will intersect the existing ground line less than 5 feet from the outside edge of an open travel lane as shown in the figure below or when a theoretical 2:1 slope from the bottom of excavation will intersect any existing structure, support, utility, property, etc. to be protected.

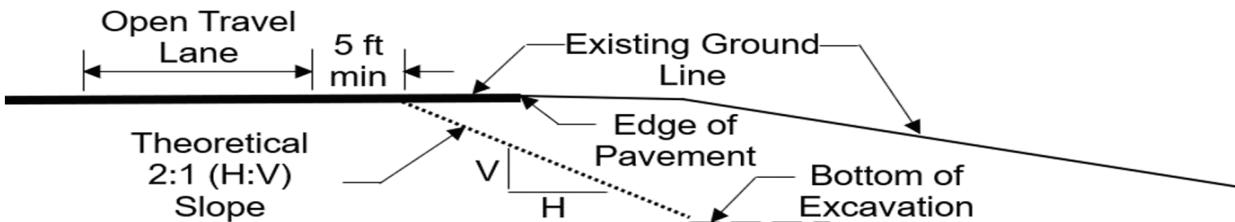


# Street and Driveway Access Permit

## General Provisions

Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.

EX 3



EX 4 Temporary shoring shall be designed and constructed in accordance with current NCDOT Standard Temporary Shoring provisions (refer to <https://connect.ncdot.gov/resources/Specifications/Pages/2018-Specifications-and-Special-Provisions.aspx> and see SP11 R002).

A) Temporary excavation shoring, such as sheet piling, shall be installed. The design of the shoring shall include the effects of traffic loads. The shoring system shall be designed and sealed by a licensed North Carolina Professional Engineer. Shoring plans and design calculations shall be submitted to the Division Engineer for review and approval prior to construction. (See NCDOT Utilities Accommodations Manual for more information on requirements for shoring plans and design calculations.) Trench boxes shall not be accepted as temporary shoring and will not be approved for use in instances where shoring is required to protect the highway, drainage structure, and/or supporting pavement or structure foundation.

B) All trench excavation inside the limits of the theoretical one-to-one slope, as defined by the policy, shall be completely backfilled and compacted at the end of each construction day. No portion of the trench shall be left open overnight. Any excavation that is not backfilled by the end of the workday must address any safety and traveling public concerns including accommodations for bicycles, pedestrians and persons with disabilities.

C) At the discretion of the District Engineer, a qualified NCDOT inspector shall be on the site at all times during construction. The applicant shall reimburse NCDOT for the cost of providing the inspector. If NCDOT cannot supply an inspector, the applicant (not the utility contractor) should make arrangements to have a qualified inspector, under the supervision of a licensed North Carolina Professional Engineer, on the site at all times. The Professional Registered Engineer shall certify that the utility was installed in accordance with the permit and that the backfill material meets the Statewide Borrow Criteria.



# Street and Driveway Access Permit

## General Provisions

**Our mission is to safely and efficiently manage and facilitate, as much as practicable, the accommodation of street and driveway accesses along NCDOT Highways, while protecting our public infrastructure.**

D) The length of parallel excavation shall be limited to the length necessary to install and backfill one joint of pipe at a time, not to exceed twenty-five (25) feet.

**EX 5** The trench backfill material shall meet the Statewide Borrow Criteria. The trench shall be backfilled in accordance with Section 300-7 of the latest NCDOT Standard Specifications for Roads and Structures, which basically requires the backfill material to be placed in layers not to exceed 6 inches loose and compacted to at least 95% of the density obtained by compacting a sample in accordance with AASHTO T99 as modified by DOT.

**EX 6** All material to a depth of 8 inches below the finished surface of the subgrade shall be compacted to a density equal to at least 100% of that obtained by compacting a sample of the material in accordance with AASHTO T99 as modified by the Department. The subgrade shall be compacted at a moisture content which is approximately that required to produce the maximum density indicated by the above test method. The contractor shall dry or add moisture to the subgrade when required to provide a uniformly compacted and acceptable subgrade. The option to backfill any trenches with dirt or either #57 stone or #78 stone with consolidation with a plate tamp and without a conventional density test may be pursued with the written consent of the District Engineer. If this option is exercised, then roadway ABC stone and asphalt repair as required will also be specified by the District Engineer.

**EX 7** All roadway sections, ditch lines and slopes, and shoulders affected by the operations under this encroachment shall be restored to the satisfaction of the District Engineer.

## Pavement Repair

**PR 7** Any pavement damaged because of settlement of the pavement or damaged by equipment used to perform the permitted work, shall be re-surfaced to the satisfaction of the District Engineer. This may include the removal of pavement and a 50' mechanical overlay. All pavement work and pavement markings (temporary and final) are the responsibility of the Applicant.

## Post-Construction

**I 1** The Applicant shall notify the Roadway Maintenance Supervisor's office within 2 business days after construction is complete. The Roadway Maintenance Supervisor may perform a construction inspection. Any deficiencies may be noted and reported to the Applicant to make immediate repairs or resolve any issues to restore the right-of-way to a similar condition prior to construction, including pavement, signage, traffic signals, pavement markings, drainage, structures/pipes, or other highway design features.

Roadway Maintenance Contact Information by County:

Camden  
(252) 621-6420

Currituck  
(252) 421-7200

Currituck OBX / Dare  
(252) 473-2990

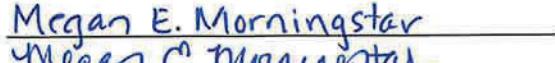
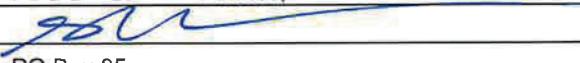
Gates  
(252) 401-6050

Pasquotank  
(252) 621-6420

Perquimans  
(252) 426-4170

<b>APPLICATION IDENTIFICATION</b>		<b>N.C. DEPARTMENT OF TRANSPORTATION</b> <b>STREET AND DRIVEWAY ACCESS</b> <b>PERMIT APPLICATION</b>		
Driveway Permit No.	D011-027-25-00074			Date of Application
December 8, 2025				
County: Currituck				
Development Name: Boswood Estates				
<b>LOCATION OF PROPERTY:</b>				
Route/Road: NC 168 (Caratoke Highway)				
Exact Distance	0.55	<input checked="" type="checkbox"/> Miles <input type="checkbox"/> N <input type="checkbox"/> S <input type="checkbox"/> E <input checked="" type="checkbox"/> W <input type="checkbox"/> Feet <input checked="" type="checkbox"/> <input type="checkbox"/> <input type="checkbox"/> <input checked="" type="checkbox"/>		
From the Intersection of Route No. NC 168 and Route No. US 158 Toward Moyock				
Property Will Be Used For: <input checked="" type="checkbox"/> Residential /Subdivision <input type="checkbox"/> Commercial <input type="checkbox"/> Educational Facilities <input type="checkbox"/> TND <input type="checkbox"/> Emergency Services <input type="checkbox"/> Other				
Property: <input checked="" type="checkbox"/> is <input type="checkbox"/> is not within Currituck County City Zoning Area.				
<b>AGREEMENT</b>				
<ul style="list-style-type: none"> <li>• I, the undersigned property owner, request access and permission to construct driveway(s) or street(s) on public right-of-way at the above location.</li> <li>• I agree to construct and maintain driveway(s) or street entrance(s) in absolute conformance with the current "Policy on Street and Driveway Access to North Carolina Highways" as adopted by the North Carolina Department of Transportation.</li> <li>• I agree that no signs or objects will be placed on or over the public right-of-way other than those approved by NCDOT.</li> <li>• I agree that the driveway(s) or street(s) will be constructed as shown on the attached plans.</li> <li>• I agree that that driveway(s) or street(s) as used in this agreement include any approach tapers, storage lanes or speed change lanes as deemed necessary.</li> <li>• I agree that if any future improvements to the roadway become necessary, the portion of driveway(s) or street(s) located on public right-of-way will be considered the property of the North Carolina Department of Transportation, and I will not be entitled to reimbursement or have any claim for present expenditures for driveway or street construction.</li> <li>• I agree that this permit becomes void if construction of driveway(s) or street(s) is not completed within the time specified by the "Policy on Street and Driveway Access to North Carolina Highways".</li> <li>• I agree to pay a \$50 construction inspection fee. Make checks payable to NCDOT. This fee will be reimbursed if application is denied.</li> <li>• I agree to construct and maintain the driveway(s) or street(s) in a safe manner so as not to interfere with or endanger the public travel.</li> <li>• I agree to provide during and following construction proper signs, signal lights, flaggers and other warning devices for the protection of traffic in conformance with the current "Manual on Uniform Traffic Control Devices for Streets and Highways" and Amendments or Supplements thereto. Information as to the above rules and regulations may be obtained from the District Engineer.</li> <li>• I agree to indemnify and save harmless the North Carolina Department of Transportation from all damages and claims for damage that may arise by reason of this construction.</li> <li>• I agree that the North Carolina Department of Transportation will assume no responsibility for any damages that may be caused to such facilities, within the highway right-of-way limits, in carrying out its construction.</li> <li>• I agree to provide a Performance and Indemnity Bond in the amount specified by the Division of Highways for any construction proposed on the State Highway system.</li> <li>• The granting of this permit is subject to the regulatory powers of the NC Department of Transportation as provided by law and as set forth in the N.C. Policy on Driveways and shall not be construed as a contract access point.</li> <li>• I agree that the entire cost of constructing and maintaining an approved private street or driveway access connection and conditions of this permit will be borne by the property owner, the applicant, and their grantees, successors, and assignees.</li> <li><b>• I AGREE TO NOTIFY THE DISTRICT ENGINEER WHEN THE PROPOSED WORK BEGINS AND WHEN IT IS COMPLETED.</b></li> </ul>				
2004-07	NOTE: Submit Four Copies of Application to Local District Engineer, N.C. Department of Transportation 61-03419		TEB 65-04rev.	

## SIGNATURES OF APPLICANT

PROPERTY OWNER (APPLICANT)		WITNESS	
COMPANY	Pacific Beach Construction, LLC	NAME	Megan E. Morningstar
SIGNATURE		SIGNATURE	
ADDRESS	PO Box 85 Moyock NC 27958	ADDRESS	1805 W. City Dr. Unit E. Elizabeth City, NC 27909
AUTHORIZED AGENT		WITNESS	
COMPANY	PBC of Boswood Estates, LLC	NAME	Megan E. Morningstar
SIGNATURE		SIGNATURE	
ADDRESS	PO Box 85 Moyock NC 27958	ADDRESS	1805 W. City Dr. Unit E. Elizabeth City, NC 27909
Phone No. 252.619.6919			

## APPROVALS

APPLICATION RECEIVED BY DISTRICT ENGINEER

SIGNATURE	DATE
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APPLICATION APPROVED BY LOCAL GOVERNMENTAL AUTHORITY (when required)

SIGNATURE	TITLE	DATE
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APPLICATION APPROVED BY NCDOT

DocuSigned by:



930880FAC40F45A...

DISTRICT ENGINEER

01/22/2026

TITLE

DATE

INSPECTION BY NCDOT

SIGNATURE	TITLE	DATE
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COMMENTS: